

REMARKS

This Response is submitted in reply to the Office Action mailed March 1, 2005. Claims 1, 5, 17, 27, 33, 35, 37, 38, 40, 43, 45, 47, 49, 54, and 61 have been amended. New Claims 65-71 have been added. No new matter has been added through these amendments and additions. Claims 35, 37, and 38 have been amended for no reason other than to make corrections for proper antecedent basis or to correct grammatical errors.

A Supplemental Information Disclosure Statement is submitted herewith. A Petition for a one-month extension of time to respond to the Office Action and a Request for Continued Examination are submitted herewith. A check in the amount of \$1,640.00 is submitted herewith to cover the cost of the Supplemental Information Disclosure Statement, the cost of the Request for Continued Examination, the cost of the one-month extension of time and the cost of the new claims. Please charge deposit account number 02-1818 for any insufficiency of payment or credit for any overpayment.

The Office Action rejected Claims 1, 4-31, 32-38, 40, 43-50, 54-58, and 61-64 under 35 U.S.C. § 102(b) as being unpatentable over U.S. Patent No. 5,855,514 to Kamille ("Kamille"). Applicants respectfully disagree with these rejections. Nevertheless, to expedite prosecution of this application, Claims 1, 5, 17, 27, 33, 40, 43, 45, 47, 49, 54, and 61 have been amended to further delineate the role of the relationship indicators to place this application in condition for allowance.

Kamille discloses a multiple play lottery game where the player uncovers symbols which are potential winners. Kamille discloses a lottery type game including a plurality of playing spots or areas which are each initially masked by removable concealing means (Figs. 6A, 6B, 7A, 7C and col. 5, lines 19 to 29). The game begins by the player selecting one spot or area. The game may include a quantity of starting arrows to indicate to the player a plurality of places to begin play. The player may pick one of these spots. The selected spot is revealed to uncover either a directional symbol, a win symbol with an associated award or a lose symbol (col. 5, lines 61 to 67).

The directional symbols in Kamille may take the form of arrows or pointers. The directional symbols direct a player to select a specific spot or playing area with the player's next selection. As a result of the directional's instruction, the player's next

selection is limited to only the particular spot or playing area indicated by the directional symbol. The directional symbol may also be a two-pronged arrow, which points to two locations or playing areas. In this embodiment, the player must decide between the two options provided as to which play area should be selected next (col. 9, lines 50 to 66).

The directionals in Kamille force a player to select specific playing areas (col. 10, line 2) which may or may not include a target symbol. The specification explains that such directionals provide the function of increasing the odds of the player losing by controlling the selections the player may make (col. 10, lines 3 to 4). In one type of game piece employing directionals, the game piece itself is a seeded loser, in which there are no ways to win. (Fig. 5; col. 10, lines 17-20). Any directional that is uncovered on such a game piece will ultimately force the player to select a losing symbol. A player who selects a playing area and uncovers a directional symbol in Kamille is frequently instructed by the directional to select a playing area which will cause the player to lose. Kamille includes this feature as a way to manage an individual play of the game and as a payout control measure.

With respect to amended independent Claim 1 a gaming device is disclosed which includes, in combination with other elements, at least one relationship indicator controlled by the processor which, after each time a player selects one of the symbols in the target set which is not a target symbol and not a last selection, identifies a relationship in the secondary game between the target symbol and the selected symbol, including a subset of symbols of the target set which includes at least the target symbol.

The Office Action, dated March 10, 2005, interprets Kamille to include each and every element of the claimed language of independent Claim 1 when the directionals of Kamille act as relationships identifiers which provide indications to guide the player's next selection in a play of the game. However, in Kamille, the directionals force the player to select specific playing areas, and importantly, the specified areas may not be potential winners. As a result, the player's chance of uncovering a target symbol is limited by the directionals, and in general, this increases odds that the player will lose. Appropriately, the Kamille specification refers to the directionals as an odds control element. (see col. 10, lines 5-6).

To further clarify the present invention, Applicants have amended Claim 1 and similarly have amended Claims 17, 27, 40, 43, 45, 47, 49, 54, such that, unlike in Kamille, the relationship indicators of the claimed invention increase the player's chance of locating the winning target by suggesting that the player select a symbol from a subset of symbols which contain the target symbol. More particularly, the amended claims clarify that, after each time a player selects one of the symbols from a target set which is not the target symbol and is not the player's last selection (or the player has a remaining selection), the relationship indicator identifies a relationship between the target symbol and the selected symbol including a subset of symbols of the target set which includes at least the target symbol. Therefore, the relationship indicator provides the player with information which increases the probability that the player will locate the target symbol.

Applicant respectfully submits that Claims 1, 17, 27, 40, 43, 45, 47, 49, 54, and 61 are patentably distinguished over Kamille. Unlike the gaming device of each of these claims, Kamille does not include a relationship indicator which each time identifies a relationship in the secondary game between the target symbol and the selected symbol including a subset of symbols of the target set which includes at least the target symbol. Accordingly, Kamille does not include each and every element of amended independent Claims 1, 17, 27, 40, 43, 45, 47, 49, 54, and 61, and fails to anticipate the claimed invention. Applicant, therefore, submits that these claims are in condition for allowance.

Claims 4-15, 18-26, 28-32, 46, 48, 50, 55-58, and 62-64 depend directly or indirectly from amended independent Claims 1, 17, 27, 40, 43, 45, 47, 49, 54, and 61 and are also allowable for the reasons given with respect to the amended independent claims and because of the additional features recited in these claims.

Amended Claim 33 is directed to a gaming device which includes a base game operable upon a wager by a player. The gaming device includes, in combination with other elements, a bonus game triggered upon the occurrence of an event associated with the base game. A target set which includes a plurality of numbers is displayed to a player in the bonus game. At least one of the numbers is randomly designated as a target number by the processor. The gaming device includes a number selector in

communication with said processor. The gaming device further includes a relationship indicator in the bonus game controlled by the processor which, after each time the player picks one of the numbers and the picked number is not the target number and not a last pick, identifies a relationship between the target number and the picked number including a subset of numbers of the target set, which includes at least the target number.

Kamille does not include each and every element of amended independent Claim 33. Kamille does not include a relationship indicator in the bonus game controlled by the processor which, after each time the player picks one of the numbers and the picked number is not the target number and not a last pick, identifies a relationship between the target number and the picked number including a subset of numbers of the target set which includes at least the target number. For the above-stated reasons, Applicants respectfully submit that amended independent Claim 33 is patentably distinguished over Kamille and is in condition for allowance.

Claims 34-39 depend directly and indirectly from amended independent Claim 33 are also allowable for the reasons given with respect to amended independent Claim 33 and because of the additional features recited in these claims.

The Office Action rejected Claim 2, under 35 U.S.C. §103(a) as being unpatentable over Kamille in further view of U.S. Patent No. 5, 342,047 to Heidel et al ("Heidel"). Heidel is directed to a video lottery terminal that employs touch screens to permit a number of different games to be played on the same machine and includes electromechanical buttons in conjunction with touch screen controls. Heidel teaches the inclusion of mechanical buttons, wherein each button corresponds to a player selectable symbol, and this allows a player to select symbols.

Applicants respectfully submit that combining Kamille with Heidel fails to establish a prima facie case of obviousness. As previously discussed, Kamille does not teach, disclose, or suggest a relationship indicator which, for each time the player selects one of the symbols that is not the last selection and that is not the target symbol, identifies a relationship between the target symbol and the selected symbol including a subset of symbols of the target set which includes at least the target symbol. In addition, Heidel does not disclose this feature and is merely cited to show that

mechanical buttons may be included to correspond to the player selectable symbols. Accordingly, the gaming device resulting from the combination of Kamille and Heidel, unlike the gaming device of Claim 2, would not include at least one relationship indicator which, for each time the player selects one of the symbols that is not the target symbol and not the player's last selection, identifies a relationship between the target symbol and the selected symbol including a subset of symbols of the target set which includes at least the target symbol. For this reason, it is respectfully submitted that Claim 2 is patentably distinguished over the combination of Kamille and Heidel and in condition for allowance.

The Office Action rejected Claims 3, 41, 42, 51-53, and 59-60, under 35 U.S.C. §103(a) as being unpatentable over Kamille in further view of U.S. Patent No. 6,159,097 to Gura ("Gura"). Applicants respectfully submit that combining Kamille with Gura fails to establish a prima facie case of obviousness.

Gura is directed to a gaming device which includes a basic game and a bonus game. The bonus game includes a screen with eight different characters around a table with an item in the center of the table. In the game, the item is stolen and the player is instructed to choose the person who stole the item from the table. In one embodiment of the gaming device of Gura, the player uses a touch screen to select the character. There are two possible outcomes once a character is chosen by the player. The character is either innocent or guilty. The player is awarded a primary bonus based on the number of selections required to find the guilty character. The fewer the number of selections it takes the player to find the guilty character, the greater the primary bonus.

Thus, the primary bonus awarded to the player decreases incrementally for each player selection.

With respect to Claim 3, Gura is merely cited to show the use of a touch screen in a selection game. With respect to claims 41, 42, 51-53, and 59-60, Examiner states that it would have been obvious to combine the bonus game of Gura with the game of Kamille in order to offer the user a higher level of excitement. However, as previously discussed, Kamille does not include a relationship indicator controlled by the processor which, after each time the player picks one of the symbols in a target set and the picked symbol is not the target symbol and not the player's last pick, identifies a relationship

between the target symbol and the picked symbol including a subset of symbols of the target set which includes at least the target symbol. Gura also does not teach, disclose or suggest such an element. Accordingly, the gaming device resulting from the combination of Kamille and Gura, unlike the invention of Claims 3, 41, 42, 51-53, and 59-60, would not include a relationship indicator controlled by the processor which, after each time the player picks one of the symbols in a target set and the picked symbol is not the target symbol and not the player's last pick, identifies a relationship between the target symbol and the picked symbol including a subset of symbols of the target set which includes at least the target symbol. For this reason, Applicants respectfully request that the rejections to claims 3, 41, 42, 51-53, and 59-60 based on the combination of Kamille and Gura be withdrawn.

The Office Action rejected Claim 39 under 35 U.S.C. §103(a) as being unpatentable over Kamille (U.S. Patent No. 5,855,514) in further view of Gura (U.S. Patent No. 6,159,097), and in further view of Kennard et al (U.S. Patent No. 3,825,255). Applicants respectfully submit that Claim 39 depends from amended Claim 33 which is patentably distinguished over Kamille and that this combination of references thus fails to render obvious Claim 39.

The Office Action rejected Claims 13, 24, 28, and 40 under 35 U.S.C. 103(a) as being unpatentable over Kamille (U.S. Patent No. 5, 855, 514) in view of Walker et al (6, 561, 902). Applicants respectfully submit that combining Kamille and Walker does not create a prima facie case of obviousness.

Walker is directed toward an electronic gaming device, such as a slot machine game, that defines a set of all possible elements of a game. The gaming device generates a set of location assignments for each of the elements, and assigns a location to each element in accordance with the set of location assignments. The player is presented with the locations and selects one or more masked locations. Each received selection signal indicates an element from the set of possible elements. The selected elements are displayed either after each selection is made or after all the selections are made. The gaming device evaluates an outcome of the game in accordance with the selected elements. The outcome may or may not be based on the order in which the elements are selected.

As previously discussed, Kamille does not include each and every element of the invention of claims 13, 24, 28, and 40. Kamille does not include a relationship indicator controlled by the processor which, after each time the player picks one of the symbols in a target set and the picked symbol is not the target symbol and not the player's last pick, identifies a relationship between the target symbol and the picked symbol including a subset of symbols of the target set which includes at least the target symbol. Walker also includes no such element. Unlike the invention claimed in Claims 13, 24, 28, and 40, the combination of Kamille and Walker would not include a relationship indicator controlled by the processor which, after each time the player picks one of the symbols in a target set and the picked symbol is not the target symbol and not the player's last pick, identifies a relationship between the target symbol and the picked symbol including a subset of symbols of the target set which includes at least the target symbol. Therefore, Applicants respectfully request that the rejections to Claims 13, 24, 28, and 40 based on the combination of Kamille and Walker be withdrawn.

An earnest endeavor has been made to place this application in condition for formal allowance and, in the absence of more pertinent art, such action is courteously solicited. If the Examiner has any questions regarding this Response, Applicants respectfully request that the Examiner contact the undersigned.

Respectfully submitted,

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